

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**FAO No.6509 of 2015 (O&M)
Date of Decision: February 10, 2016**

Smt. Jaswant Kaur and another

.....APPELLANTS.

VERSUS

Jasbir Singh and others

.....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Neeraj Khanna, Advocate
for the appellants.

SURINDER GUPTA, J.

Heard.

2. This is an appeal by the claimants Jaswant Kaur and Paramjit Singh, seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, SAS Nagar, Mohali, vide award dated 19th February, 2015 for the death of their son in a motor accident with truck bearing registration No.HR37A-5679.

3. As per the case of claimants, deceased was employed as cleaner on the truck/tipper bearing registration No.HR68A-1022. On the day of accident i.e. 12th March, 2012 above referred vehicle was being driven by Jasbir Singh-respondent No.1, in a rash and negligent manner, at a high speed and hit the truck No.HR37A-5679, which had been parked on the metalled portion of the road without any indicator.

4. On perusal of the evidence, the Tribunal concluded that accident had taken place due to the composite liability of driver/owner of both the vehicles involved in the accident and assessed the quantum of compensation, tabulated as follows:-

Sr. No.	Heads	Calculation
i.	Monthly income/salary assessed	Rs.6,000/- P.M.
ii.	50% of (i) deducted towards personal expenses	Rs.6,000-3,000/- Rs.3,000/-
iii.	An addition of 50% of (ii) actual salary to be added towards future prospects	Rs.3,000/- + 3000/- =Rs.6,000/- P.M.
iv.	Compensation after multiplier of '18' is applied	Rs.6,000/- x 12 x 18 =Rs.12,96,000/-
v.	Loss of love and affection to claimant No.1 and 2	Rs.50,000/- each Rs.1,00,00,00/-
vi.	Loss of estate	Rs.25,000/-
vii.	Funeral expenses	Rs.25,000/-
	Total compensation awarded	Rs.14,46,000/-

5. Learned counsel for the appellants has argued that the Tribunal while calculating the amount of compensation has taken the income of the deceased as ₹6,000/- per month, despite the statement of claimant i.e. mother of the deceased that he was earning ₹8,000/-, which he was handing over to her every month. There was no reason for the Tribunal to discard the statement of claimant regarding the income of the deceased.

6. On perusal of the award, I find that in order to corroborate her statement, claimant Jaswant Kaur had not produced any evidence. Neither the employer was called nor any certificate of salary of deceased was produced. Keeping in view the above facts, the Tribunal has committed no error, while assessing the income of the deceased as ₹6,000/- per month.

7. On perusal of the quantum of compensation, as tabulated above, I find that the Tribunal has allowed appropriate compensation under the required conventional heads as well, calling for no interference.

8. This appeal has no merits.

9. Dismissed.

February 10, 2016.
deepak/jv.

(SURINDER GUPTA)
JUDGE